

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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JASMINE GRAY,

Plaintiff,

- against -

MYRON X. DUMMITT, et al. ,

Defendants.

**REPORT AND
RECOMMENDATION**

06-CV-0322 (ERK) (JO)

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JAMES ORENSTEIN, Magistrate Judge:

Plaintiff Jasmine Gray ("Gray") seeks court approval of a settlement extinguishing certain of her claims against certain of the defendants in this action. Docket Entry ("DE") 181. The Honorable Edward R. Korman, United States District Judge, referred the matter to me for report and recommendation. I now make my report and, for the reasons stated below, respectfully recommend that the court approve the settlement.

Under the terms of the settlement, Gray will dismiss with prejudice all claims against Myron X. Dummitt, Nyles French, Eugene Lloyd, Amy Lebolt, Sandra Pearce, Deborah Mendez, Irwin Moss, and Leake & Watts Services, Inc. (the "Leake & Watts Defendants"). Gray will further release all claims against Stephanie Alston, Sabina Sabina, Bernetta Mazah, Diana Cortez, Jackie Roth, Steven Bieber, Michael Miller, Kathryn Croft, Nicholas Scoppetta, William Bell, John Mattingly, and the City of New York (the "City Defendants") based on any act or omission from February 1, 1999 to September 23, 2006. Gray does not withdraw any claims against the City Defendants arising out of acts or omissions prior to February 1, 1999. Gray will also withdraw any claims that she could have asserted against the City Defendants based on a theory of vicarious liability for the actions of the Leake & Watts Defendants.

The City of New York initially objected to this settlement, arguing that the settlement implicated its ability to assert claims against the insurance company for Leake & Watts Services, Inc. DE 183. Following a hearing before me and additional filings by the parties, the City of New York withdrew its objections to the settlement. *See* DE 202. Because the City of New York has now withdrawn its objections, I respectfully recommend that the court approve the settlement.

Any objection to this Report and Recommendation must be filed no later than February 6, 2009. Failure to file timely objections waives the right to appeal the District Court's order. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Beverly v. Walker*, 118 F.3d 900 (2d Cir. 1997); *Savoie v. Merchs. Bank*, 84 F.3d 52 (2d Cir. 1996).

SO ORDERED.

Dated: Brooklyn, New York
January 20, 2009

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge